

APPENDIX E

AIR QUALITY IMPROVEMENT PROGRAM (AQIP) AND LOW CARBON TRANSPORTATION GREENHOUSE GAS REDUCTION FUND (GGRF) INVESTMENTS

ZERO-EMISSION DRAYAGE TRUCK DEMONSTRATION PROJECT

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE AND PERMITTING REQUIREMENTS

Each proposed infrastructure installation (e.g., electric vehicle supply equipment or hydrogen refueling station) may be subject to California Environmental Quality Act (CEQA) compliance, as well as permitting and other requirements. Such proposals must adhere to the requirements specified in this Appendix.

I. CEQA COMPLIANCE INFORMATION

Applicants must complete a CEQA Worksheet (Appendix A, Attachment 9) for each proposed infrastructure installation. The Air Resources Board (ARB or Board) must ensure that the appropriate level of environmental review under CEQA is complete prior to approval. Thus, no grant can be approved, nor can any grant be executed, until the Lead Agency has determined that the project is exempt from CEQA requirements, or the CEQA requirements have been satisfied.

As part of its application, the Applicant shall provide a detailed description of the project and all of its components, as well as any direct physical changes and reasonably foreseeable indirect changes to the surrounding environment. In order to minimize or avoid adverse environmental impacts,, ARB will only accept applications for proposed projects to be sited where similar infrastructure already exists (e.g., installing electric vehicle supply equipment where electrical infrastructure already exists, or installing a hydrogen refueling station at an existing fueling station or industrial facility).

The Applicant must provide the following information as it pertains to the proposed project:

- A. Proposed Station Location:** The Applicant must provide the specific address or equivalent location information for the proposed station, equipment, fill system(s), and/or dispensing unit(s).
- B. Permits:** The Applicant must identify the permits necessary for the project with the proposal narrative.
- C. Project Impacts:** The Applicant must describe the direct physical changes and reasonably foreseeable indirect changes to the surrounding environment that may result from the project. Please see Section 3 of Attachment 9 to Appendix A.
- D. CEQA Lead Agency:** The lead agency will be identified using the following process.

1. Where the proposed project would require a discretionary approval from another permitting agency, the Applicant must identify the CEQA lead agency in the application and include documentation demonstrating that contact has been made with the lead agency with jurisdiction over the project for purposes of complying with CEQA. The documentation may be in the form of a letter from the lead agency or a CEQA application to the lead agency that is stamped as received by the local agency.
2. If ARB is the only agency with discretionary approval over the proposed project, then ARB will act as the lead agency and will work with the Applicant to satisfy CEQA requirements.
3. Regardless of which agency is the lead agency for a proposed project, the Applicant shall be responsible for all costs associated with preparation of environmental review documents. The Applicant may also be required to retain a consultant to perform an initial study or other environmental studies. The ARB **WILL NOT** reimburse any Applicant for these costs.

E. CEQA Compliance Where the Proposed Project Would require a Discretionary Approval From Another Permitting Agency (i.e., another permitting agency serves as the Lead Agency):

1. **Exempt Projects:** If the lead agency has exempted the proposed project or if the lead agency determines that the proposed project is not a “project” for purposes of CEQA, the Applicant must submit proof of such a determination to ARB by December 1, 2015. Additionally, the Applicant must provide information on why the project meets the applicable statutory or categorical exemption. The Applicant shall provide facts that support the lead agency’s conclusion. For example, for a Class One Categorical Exemption (California Code of Regulations (CCR), Title 14 § 15301), the Applicant should provide documentation showing that the project is located at an existing facility that involves negligible or no expansion of an existing use.
 - i. Ministerial or “Common Sense” Exemptions: If the lead agency exempts a proposed project under the “ministerial” or “common sense” exemptions (CCR, Title 14, § 15268 and § 15061, subd. (b)(3), respectively), the Applicant shall provide details on whether the project meets some other statutory or categorical exemption. For example, the Applicant should not simply state that a 100% renewable hydrogen project is exempt under the common sense exemption.

2. **Non-Exempt Projects Requiring a Negative Declaration or Environmental Impact Report (EIR):** If the lead agency has not exempted the project, the Applicant shall explain whether the lead agency is expected to prepare an initial study and negative declaration or EIR, and the expected date of completion. The Applicant must submit proof that the lead agency has completed environmental review of its project and adopted a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report by December 1, 2015.
3. If an Applicant fails to timely submit the required CEQA documentation by December 1, 2015, as described above, ARB its sole discretion may cancel the proposed grant and make a selection to the next-highest scoring project, and so on, until an agreement is reached, or exercise its right, in its sole discretion, throughout this process, no not award a grant. ARB reserves the right, in its sole discretion, to cancel this solicitation, re-solicit for a Grantee, or to direct funding to another project in the Funding Plan.
4. In accordance with CEQA requirements, ARB will review each project application and consider the facts and circumstances of each project application (including the project's reasonably foreseeable direct and indirect impacts) before determining whether the lead agency's CEQA review findings and documentation are adequate.

F. CEQA Compliance Where the Proposed Project Would Not Require a Discretionary Approval From Another Permitting Agency: If ARB is the only agency with discretionary approval over the proposed project, then ARB will act as the lead agency and will work with the Applicant to satisfy CEQA requirements. In accordance with CEQA requirements, ARB will review each project application, and consider the facts and circumstances of each project application (including the project's reasonably foreseeable direct and indirect impacts) before determining the level of required environmental review.

G. Other Relevant CEQA Information: The Applicant shall submit any other relevant CEQA documentation or information that will assist ARB in confirming CEQA compliance.

Within a proposal, the applicant is encouraged to fully document efforts completed or underway to achieve CEQA compliance. This includes, but is not limited to, CEQA compliance documentation, completed or schedule pre-application meetings with the local CEQA lead agency, or documentation of contact with CEQA lead agency.

NOTE REGARDING ENCUMBRANCE DEADLINES AND DISCLAIMER: The funds under this solicitation have strict encumbrance deadlines. The lead agency (which may be ARB if no other local discretionary approval is required) must complete environmental review under CEQA and approve each grant prior to the applicable encumbrance deadline. Thus, if a project cannot complete CEQA review in time to meet the applicable encumbrance deadline, **ARB reserves the right to cancel the**

proposed grant and recommend funding the next highest scoring project that can meet the encumbrance deadline, regardless of the Applicant's diligence in submitting CEQA information and materials. Further, ARB is not liable for any costs incurred during environmental review or as a result of cancelling the proposed grant.

II. PERMITTING

The Applicant must include information in their narrative that describes their plans to obtain permits for each proposed infrastructure installation. The Governor's Office of Business and Economic Development is available to provide permitting assistance. Contact information is available below:

Mr. Tyson Eckerle
Zero-Emission Vehicle Infrastructure Project Manager
Office of Business and Economic Development
1400 Tenth Street, 2nd Floor
Sacramento, CA 95814
Phone: 916-322-0563
Fax: 916-322-0693
Email: tyson.eckerle@gov.ca.gov

III. PHOTOGRAPHIC EVIDENCE OF THE STATION LAYOUT

The Application must provide photographic images with both date and time stamps of all intended locations. The images must show the station ingress and egress.